

United States Courts
Southern District of Texas
FILED

April 07, 2021

Nathan Ochsner, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

GUSTAVO GOMEZ-VALENZUELA,

Defendant.

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CRIMINAL NO.

4:21-cr-176

INDICTMENT

THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. The following item is ammunition of category and nature which cannot be exported from the United States without a license or written approval from the United States Government:
 - a. Lake City .50 BMG Caliber Non-Tracer Rounds Ammunition
2. It is also unlawful for a person to violate United States laws governing the outbound smuggling of any merchandise, article, or object, including firearms and ammunition. Title 18, United States Code, Section 554(a) makes it a federal crime to fraudulently or knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States; or to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.
3. GUSTAVO GOMEZ-VALENZUELA has never applied for, received, or possessed a license or written approval from the United States Government to export any firearms or

ammunition.

COUNT ONE

Aiding and Abetting Smuggling Goods from the United States

On or about January 8, 2021 continuing through January 9, 2021 in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

GUSTAVO GOMEZ-VALENZUELA

defendant herein, aiding and abetting others known and unknown to the Grand Jury, did fraudulently and knowingly export and send, and attempt to export and send from the United States; and facilitated the transportation, concealment, or sale of certain merchandise, article or object, knowing the same to be intended for exportation from the United States, to wit: Nine Hundred Fifty-Six (956) rounds of Lake City .50 BMG caliber non-tracer ammunition contrary to the laws and regulations of the United States, in that GOMEZ-VALENZUELA exported and sent, and attempted to export and send; and facilitated the transportation, concealment, or sale of said ammunition from the United States to the United Mexican States without a license or written approval from the United States Government as required by Title 50, United States Code, Section 4819, and Title 15 Code of Federal Regulations, Section 730 et seq.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT TWO

Alien in Possession of Ammunition

On or about January 8, 2021 in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

GUSTAVO GOMEZ-VALENZUELA

defendant herein, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess ammunition to wit: nine hundred fifty-six (956) Lake City .50 BMG caliber non-tracer rounds, said ammunition having been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

COUNT THREE

Felon in Possession of Ammunition

On or about January 8, 2021 in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

GUSTAVO GOMEZ-VALENZUELA

defendant herein, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess ammunition to wit: nine hundred fifty-six (956) Lake City .50 BMG caliber non-tracer rounds, said ammunition having been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FOUR

Alien in Possession of Firearm and Ammunition

On or about March 11, 2021 in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

GUSTAVO GOMEZ-VALENZUELA

defendant herein, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess firearms and ammunition to wit: a Beretta, model 92FS, 9 mm caliber pistol, serial number L09883Z, a SWD, model M11/9, 9 mm caliber pistol, serial number 85-0004440, eleven (11) rounds of 9 mm ammunition, and one hundred (100) rounds of .223 caliber ammunition, said firearms and ammunition having been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

COUNT FIVE

Felon in Possession of Firearm and Ammunition

On or about March 11, 2021 in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

GUSTAVO GOMEZ-VALENZUELA

defendant herein, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess firearms and ammunition to wit: a Beretta, model 92FS, 9 mm caliber pistol, serial number L09883Z, a SWD, model M11/9, 9 mm caliber pistol, serial number 85-0004440, eleven (11) rounds of 9 mm ammunition, and one hundred rounds of .223 caliber ammunition, said firearms and ammunition having been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

NOTICE OF CRIMINAL FORFEITURE
(18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c))

Pursuant to Title 18 United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), the United States hereby gives notice to defendant,

GUSTAVO GOMEZ-VALENZUELA,

that upon conviction of a knowing violation of Title 18, United States Code, Sections 922(g) or 924, all firearms and ammunition involved in or used in any such violation is subject to forfeiture, including but not limited to:

1. 956 rounds of .50 caliber ammunition
2. 11 rounds of 9 mm ammunition
3. 899 rounds of assorted .223 caliber ammunition

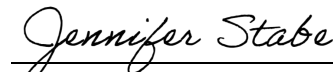
4. 20 rounds of .40 caliber ammunition
5. 93 rounds of assorted .22 caliber ammunition
6. 1 round of .357 caliber ammunition
7. 5 boxes of rifle magazines totaling 51 magazines
8. Beretta, model 92FS, 9 mm caliber pistol, serial number L09883Z
9. SWD, model M11/9, 9 mm caliber pistol, serial number 85-0004440

A TRUE BILL:

Signature on file

FOREPERSON OF THE GRAND JURY

JENNIFER B. LOWERY
ACTING UNITED STATES ATTORNEY



JENNIFER STABE
Assistant United States Attorney
Southern District of Texas
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